

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
JAMES BONINI
CLERK

2008 MAY 22 P 12:03

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST DIV. COLUMBUS

UNITED STATES OF AMERICA

vs.

LARRY J. UTLEY, II (1)
(Counts 1, 2, 3, 4, 5
6, 7, 8, 9, 10)
ERIC M. HUTSON (2)
(Counts 1, 2, 3, 4, 5
6, 7, 8)
SHERIKA S. MOORE (3)
(Counts 1, 9, 10)

NO. 2:08-cr-114
18 U.S.C. §2
18 U.S.C. §2118(b)(1)
21 U.S.C. §841(a)(1)
21 U.S.C. §841(b)(1)(C)
21 U.S.C. §846
21 U.S.C. §853

JUDGE GRAHAM

I N D I C T M E N T

THE GRAND JURY CHARGES:

COUNT 1

Beginning on or about January 2008, through on or about May 2008, in the Southern District of Ohio and elsewhere, the defendants, LARRY J. UTLEY, II; ERIC M. HUTSON and SHERIKA S. MOORE did knowingly and intentionally unlawfully combine, conspire, confederate and agree together and with each other and with others both known and unknown to the grand jury, to knowingly, intentionally and unlawfully distribute and to possess with intent to distribute Schedule II controlled substances, including but not limited to various forms of

amphetamine, fentanyl, hydromorphone, oxycodone, oxymorphone, methadone, methylphenidate, morphine, and in violation of 21 U.S.C. §§841(a)(1) and 841(b)(1)(C).

In violation of 21 U.S.C. §846.

COUNT 2

On or about February 22, 2008, at approximately 3:10 a.m., in the Southern District of Ohio and elsewhere, the defendants, **LARRY J. UTLEY, II** and **ERIC M. HUTSON** did knowingly, intentionally and unlawfully possess with intent to distribute Schedule II controlled substances, including but not limited to various forms of methadone, morphine and oxycodone.

In violation of 21 U.S.C. §§841(a)(1), 841(b)(1)(C), and 18 U.S.C. §2.

COUNT 3

On or about February 22, 2008, at approximately 5:18 a.m., in the Southern District of Ohio and elsewhere, the defendants, **LARRY J. UTLEY, II** and **ERIC M. HUTSON** did knowingly, intentionally and unlawfully possess with intent to distribute Schedule II controlled substances, including but not limited to hydromorphone, methadone, morphine and oxycodone.

In violation of 21 U.S.C. §§841(a)(1), 841(b)(1)(C), and 18 U.S.C. §2.

COUNT 4

On or about January 25, 2008, in the Southern District of Ohio, the defendants, **LARRY J. UTLEY, II** and **ERIC M. HUTSON** did, unlawfully and without authority, enter a business premises registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act, 21 U.S.C. §822, to wit: the Walgreen's located at 4530 Kenny Road, Columbus, Ohio, with the intent to steal a material or compound containing a quantity of a controlled substance, including but not limited to various forms of methadone, methylphenidate, morphine, oxycodone and oxymorphone, the replacement cost of the controlled substance to the registrant being more than \$500.

In violation of 18 U.S.C. §§2118(b)(1) and 2.

COUNT 5

On or about February 13, 2008, at approximately 2:58 a.m., in the Southern District of Ohio, the defendants, **LARRY J. UTLEY, II** and **ERIC M. HUTSON** did, unlawfully and without authority, enter a business premises registered with the Drug Enforcement Administration under section 302 of the controlled substances Act, 21 U.S.C. §822, to wit: the Walgreen's located at 975 East Dublin Granville Road, with the intent to steal a material or compound containing a quantity of a controlled substance,

including but not limited to various forms of amphetamine, hydromorphone, methadone, methylphenidate, morphine and oxycodone, the replacement cost of the controlled substance to the registrant being more than \$500.

In violation of 18 U.S.C. §§2118(b)(1) and 2.

COUNT 6

On or about February 13, 2008, at approximately 4:13 a.m., in the Southern District of Ohio, the defendants, **LARRY J. UTLEY, II** and **ERIC M. HUTSON** did, unlawfully and without authority, enter a business premises registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act, 21 U.S.C. §822, to wit: the Walgreen's located at 5195 N. Hamilton Road in Columbus, Ohio, with the intent to steal a material or compound containing a quantity of a controlled substance, including but not limited to various forms of amphetamine, methadone, methylphenidate, morphine, oxycodone, the replacement cost of the controlled substance to the registrant being more than \$500.

In violation of 18 U.S.C. §§2118(b)(1) and 2.

COUNT 7

On or about February 22, 2008, at approximately 3:10 a.m., in the Southern District of Ohio, the defendants, **LARRY J.**

UTLEY, II and **ERIC M. HUTSON** did, unlawfully and without authority, enter a business premises registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act, 21 U.S.C. §822, to wit: the Walgreen's located at 4890 N. High Street, Columbus, Ohio, with the intent to steal a material or compound containing a quantity of a controlled substance, the replacement cost of the controlled substance, including but not limited to various forms of amphetamines, methadone, methylphenidate, morphine, oxycodone and oxymorphone, to the registrant being more than \$500.

In violation of 18 U.S.C. §§2118(b)(1) and 2.

COUNT 8

On or about February 22, 2008, at approximately 5:18 a.m., in the Southern District of Ohio, the defendants, **LARRY J. UTLEY, II** and **ERIC M. HUTSON** did, unlawfully and without authority, enter a business premises registered with the Drug Enforcement Administration under section 302 of the Controlled Substances Act, 21 U.S.C. §822, to wit: the Walgreen's located at 5555 New Albany Road East, Columbus, Ohio, with the intent to steal a material or compound containing a quantity of a controlled substance, including but not limited to various forms of amphetamine, fentanyl, hydromorphone, methadone, methylphenidate, morphine and oxycodone, the replacement cost of

the controlled substance to the registrant being more than \$500.

In violation of 18 U.S.C. §§2118(b)(1) and 2.

COUNT 9
FORFEITURE

The allegations contained in Counts 1 - 8 of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of American pursuant to 21 U.S.C. §853(a)(1).

As a result of the offenses alleged in Counts 1 - 8 of this Indictment, **LARRY J. UTLEY, II** and **SHERIKA S. MOORE** shall forfeit to the United States all property constituting or derived from any proceeds obtained directly or indirectly from the conspiracy to possess with the intent to distribute scheduled II controlled substances, in violation of 21 U.S.C. §§841(a)(1), 841(b)(1)(C) and 846 and burglary, in violation of 18 U.S.C. §§2118(b)(1) and 2, specifically, a total of \$28,320.00 in cash. This includes but is not limited to:

A. all interest of defendant **LARRY J. UTLEY, II** in \$3,320.00 in U.S. Currency seized on or about February 22, 2008 from his person during a traffic stop in the area of 2215 Perdue Avenue, Columbus, Ohio.

B. all interest of defendant **LARRY J. UTLEY, II** and **SHERIKA S. MOORE** in \$19,000.00 in U.S. Currency seized on or about March 19, 2008 from a Dodge Durango during a traffic stop off 71 Northbound at 11th Avenue Columbus, Ohio.

C. all interest of defendant **LARRY J. UTLEY, II** and **SHERIKA S. MOORE** in \$6,340.00 in U.S. Currency seized on or about April 18, 2008 from the residence of **LARRY J. UTLEY, II** and **SHERIKA S. MOORE** at 7238 Linda Trace, Columbus, Ohio.

COUNT 10
FORFEITURE

The allegations contained in Counts 1 - 8 of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of American pursuant to 21 U.S.C. §853(a)(1).

As a result of the offenses alleged in Counts 1, 2, 3, 4, 5, 6, 7 and 8 of this Indictment, **LARRY J. UTLEY, II** and **SHERIKA S. MOORE** shall forfeit to the United States all property constituting or derived from any proceeds obtained directly or

indirectly from the violations alleged in Counts 1-8 or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violations alleged in Counts 1-8, specifically, a 2004 Dodge Durango, Vin #1D4HB48D34F133174, seized on or about April 18, 2008 from the residence of LARRY J. UTLEY, II and SHERIKA S. MOORE at 7238 Linda Trace, Columbus, Ohio.

All in violation of 21 U.S.C. §853(a)(1).

A True Bill.

Mark K. Donitz
FOREPERSON

Gary L. Spartis
GARY L. SPARTIS
Deputy Criminal Chief
Assistant United States Attorney

I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL FILED IN MY OFFICE ON 5/22/08 JAMES RONIN, CLERK By <u>[Signature]</u> Deputy Clerk DATE 5/22/08	
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